REMARKS

This Amendment is fully responsive to the final Office Action dated January 13, 2009, issued in connection with the above-identified application. Claims 1, 3, 5-7, 10-16, 23 and 26 are pending in the application. With this Amendment, claim 26 has been amended. No new matter has been introduced by the amendments made to claim 26. Favorable reconsideration is respectfully requested.

In the Office Action, claim 26 has been rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Specifically, the Examiner alleges that claim 26 (as presented) could include a transmission medium and a storage medium, and a transmission medium is non-statutory.

The Applicants have provided amendments to the specification and claim 26 to address the above rejection. The specification has been amended to clarify the difference between the use of a "computer-readable storage medium" and the use of a "transmission media" for distributing a program. Additionally, claim 26 has been amended to more clearly indicate that the claim is directed to the "computer-readable storage medium," not the "transmission media." Claim 26 (as amended) now includes only statutory subject matter (see MPEP 2106.01). No new matter has been introduced by the amendments made to the specification or the claim. Withdrawal of the rejection to claim 26 under 35 U.S.C. 101 is now respectfully requested.

In the Office Action, claims 1, 3, 5, 6, 23 and 26 have been rejected under 35 U.S.C. 103(a) as being anticipated by the Applicants Admitted Prior Art (hereafter "the AAPA") in view of Nagashima (U.S. Publication No. 2001/0029608, hereafter "Nagashima"), and further in view of Hirano et al. (U.S. Publication No. 2002/00059522, hereafter "Hirano).

The Applicants assert that the cited prior art fails to disclose or suggest all the features recited in independent claims 1, 23 and 26. For example, independent claim 1 recites, *inter alia,* the following:

"each of the copyright methods protects a content using at least one of an encryption and a signature, and has a different security level, and

wherein, the security level of each of the plurality of copyright protection methods and

the image quality of the content are associated with each other such that a higher security level is associated with a higher image quality of the content, and

when the type of the recording medium identified by the recording medium type identification unit is compliant with the plurality of copyright protection methods, the recording unit records the content on the recording medium according to one of the plurality of copyright protection methods having a security level corresponding to the image quality of the content identified by the content image quality identification unit, from the plurality of the copyright protection methods compliant with the recording medium identified by the recording medium type identification unit."

The features noted above in independent claim 1 are similarly recited in independent claims 23 and 26. Specifically, claim 23 is directed to a corresponding method and claim 26 is directed to a corresponding computer-readable storage medium, which both includes steps directed to the features noted above in independent claim 1.

The present invention (as recited in independent claim 1, 23 and 26) is distinguishable over the cited prior art in that it achieves the protection of the low image quality content (generally considered to be of low value) using a copyright protection method having a low security level, and the protection of the high image quality content (generally considered to be of high value) using a copyright protection method having a high security level.

In general, new and complex cryptography technologies and signature technologies are used for a copyright protection method having a high security level. For this reason, there are cases in which the very reproduction of the content is not possible in a playback apparatus manufactured prior to the arrival of the copyright protection method. Furthermore, even if the playback apparatus is compliant with the copyright protection method having a high security level, decrypting complex cryptography and verifying a signature cause a heavy workload on the playback apparatus, which leads to dropped frames during the content reproduction or reduced life of the playback apparatus. Consequently, although protecting all of the content using the copyright protection method having a high security level protects the benefits of the content provider, it is a significant disadvantage to the user.

The present invention (as recited in independent claims 1, 23 and 26), on the other hand, provides the advantage of securing the benefits for both the user and the content provider. No such features or advantages of the present invention (as noted above) are believed to be disclosed or suggested by the cited prior art.

In the Office Action, the Examiner relies on the combination of the AAPA, Nagashima and Hirano for disclosing or suggesting all the features recited in independent claims 1, 23 and 26. However, the Examiner relies primarily on Hirano for disclosing or suggesting the above features of the present invention.

In particular, the Examiner relies on ¶ [0144] of Hirano for disclosing that "a higher security level is associated with a higher image quality of the content." However, Hirano merely discloses a technique for switching content protection methods such as the forms of electronic watermarks and encryption based on an image quality request and a security request.

More specifically, the technique disclosed in Hirano switches the content protection methods on the basis of an image quality request and a security request that are independent of each other. Thus, according to the technique disclosed in Hirano, the security level of the copyright protection method and the image quality of the content are not associated with each other such that "a higher security level is associated with a higher image quality of the content." For example, according to the technique disclosed in Hirano, the high image quality content with a low security request will be protected accordingly.

Therefore, Hirano neither discloses nor suggests achieving protection of the low image quality content using a copyright protection method having a low security level, and the protection of the high image quality content using a copyright protection method having a high security level, as in the present invention (as recited in independent claims 1, 23 and 26). Accordingly, Hirano cannot achieve the advantage of securing the benefits for both the user and the content provider.

Furthermore, the AAPA and Nagashima fail to overcome the deficiencies noted above in Hirano. To that end, one of ordinary skill in the art could not arrive at the present invention based on the combination of the AAPA, Nagashima and Hirano. Accordingly, no combination of

the AAPA, Nagashima and Hirano would result in, or otherwise render obvious, independent claims 1, 23 and 26. Additionally, no combination of the AAPA, Nagashima and Hirano would result in, or otherwise render obvious, claims 3, 5 and 6 at least by virtue of their dependencies from independent claim 1.

In the Office Action, claims 5-7 and 10-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA in view of Sako et al. (U.S. Publication No. 2003/0012098, hereafter "Sako"); claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA and in view of Andreaux et al. (U.S. Publication No. 2003/0051153, hereafter "Andreaux"); and claims 15 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA and Andreaux, and further in view of Nagai (U.S. Publication No. 2002/0015494, hereafter "Nagai").

Claims 5-7 and 10-16 depend from independent claim 1. As noted above, the combination of the AAPA, Nagashima and Hirano fail to disclose or suggest all the features recited in independent claim 1. Additionally, Sako, Andreaux and Nagai fail to overcome the deficiencies noted above in the combination of the AAPA, Nagashima and Hirano. Accordingly, no combination of the AAPA, Nagashima and Hirano with Sako, Andreaux or Nagai would result in, or otherwise render obvious, claims 5-7 and 10-16 at least by virtue of their dependencies from independent claim 1.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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